

Gonzalo Vargas - Torres
 Booking No. 2010002594
 Columbia County Jail
 901 Port Ave
 ST Helens, OR 97051

FILED 29 MAR 13 10:38 BUDC-OPF

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,)

3:10-cr-00318-MO-03

Plaintiff,)

) No. ~~3:11-cr-00318-03-MO~~

V.S.)

Gonzalo Vargas - Torres,)

) DECLARATION IN

) SUPPORT OF MOTION

) TO WITHDRAW PLEA-

Defendant.)

) AGEEMENT

COMES NOW, Gonzalo Vargas - Torres,
 pro se with this declaration in support
 of the motion to withdraw plea agreement
 and re-appointment of effective assistant
 of counsel.

I swear under the penalty of perjury that
 the following statements are true and correct
 under the laws of the United States of
 America

My defense counsel Lisa J. Ludwig
 promised, coerced, me through threats

that by signing the current plea agreement that the government and defense had agreed on a 10 year sentence, that is what I thought the agreement was to run concurrent with my other prior sentence of 10 years.

That I would receive a total of 120 months to serve, as I explained to both my attorney and the U.S. Attorney that I am not guilty of possession of a firearm pursuant to U.S.C. § 924 (c) and (d), or to Distribute Methamphetamine in a quantity of more than 50 grams, pursuant to USC § 841 (a)(1), (b) (1)(A).

I was lead to believe that I would be pleading guilty to Conspiracy to Manufacture Marijuana in a quantity of 1000 plants, USC § 846.

My attorney was ineffective and violated my Sixth Amendment U.S. Constitutional rights and Due Process of law through force, threats, and misleading me to sign a illegally obtained plea agreement in violation of the Fed R. Crim. P. 11. Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 915, 99 LEd 2d 674 (1984). Johnson v. Zerbst, 82 LEd 1461.